BRYAN CAVE

Suzanne M. Berger
Fax: 212-541-1334
Direct: 212-541-2034
smberger@bryancave.com

Bryan Cave LLP
1290 Avenue of the Americas
New York, NY 10104-3300
Tel (212) 541-2000
Fax (212) 541-4630
www.bryancave.com

Chicago
Hong Kong
Irvine
Jefferson City
Kansas City
Kuwait
Los Angeles
New York
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United Arab Emirates (Dubai)
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And Bryan Cave,
A Multinational Partnership,

London

February 7, 2005

VIA ELECTRONIC FILING

The Honorable Denis R. Hurley
United States District Court Eastern District
of New York
100 Federal Plaza
P.O. Box 9014
Central Islip, New York 11722-9014

Re: Robert Novak v. Overture Services, Inc., et al.
Civil Action No. 02-5164 - DRH-JO

Your Honor:

We are local counsel representing defendant Overture Services, Inc. ("Overture") in the above-referenced action. We write in connection with this Court's Order of January 20, 2005.

We wish to inform the Court that we understand plaintiff Robert Novak ("Novak") intends to voluntarily dismiss his claims against Overture with prejudice. Overture will also voluntarily dismiss its counterclaim against Novak with prejudice. Overture and Novak plan to jointly make an appropriate filing seeking these dismissals with prejudice. We anticipate finalizing these documents within the week.

Given this development, Overture does not plan to substantively respond to the Court's Order of January 20, 2005.

Respectfully submitted,

s/Suzanne M. Berger
Suzanne M. Berger (0452)

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cc: Robert Novak
Plaintiff ProSe
1550 Sunrise Highway
Copiaque, New York 11726
(631) 789-5400
(631) 789-9340 (fax)

John Holdefehr
Defendant
185 Lakeshore Drive
Oakland, New Jersey 07436
(512) 597-2504 (fax)

Wilson Sonsini Goodrich & Rosati
Attorneys for Defendant Google, Inc.
Attn: David H. Kramer, Esq.
(650) 565-5100 (fax)

Hodgson Russ LLP
Attorneys for Marketing Solutions, Inc. d/b/a Kanoodle.com
One M&T Plaza, Suite 2000
Buffalo, New York 14203

Morris, Mahoney & Miller LLP
Attorneys for Biochemics, Inc. d/b/a Doctordog.com
17 State Street - Suite 1110
New York, New York 10004